IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 1015 OF 1998

The Commissioner of Income-tax. ... Applicant.
V/s.
Premier Auto Electric Ltd. ... Respondent.

A.S.Rao for the Applicant.

None for the respondent.

CORAM : V.C.DAGA AND J.P.DEVADHAR, JJ.

DATED : 25th April 2005.

P.C. :

. Heard learned counsel for the applicant.

The tribunal has referred following question for the

opinion of this Court:

> "Whether, on the facts and in the circumstances of the case, the Tribunal was right in holding that entire initial contributions to the superannuation amount of contribution made to superannuation fund be allowed as a deduction as against 1/5th of 80% of the contribution allowed as a deduction against 1/5th of 80% of the contribution allowed by the Income-tax Officer?

2. The above question has already been answered by the Apex Court in the case of **C.I.T. v. Sirpur Paper Mills**, (1999) 237 ITR 41 (SC) in favour of assessee and against the revenue. In this view of the matter, the question referred is answered in affirmative for the reasons stated in the above referred judgment.

. Reference stands disposed of accordingly with no order as to costs.

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